THE HON'BLE Mr. JUSTICE V.ESWARAIAH

WRIT PETITION No.2758 of 2006

DATED:16.02.2006

Between:

Ahmed Abdul Hafeez ……Petitioner

AND

1. The District Collector,

Karimnagar District and others

...Respondents

THE HON'BLE Mr. JUSTICE V.ESWARAIAH

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WRIT PETITION No. 2758 of 2006

ORDER:

This writ petition is filed by the petitioner seeking a direction more particularly in the nature of writ of mandamus to declare the action of the respondent authorities in trying to evict the petitioner from the mango garden admeasuring Ac.0-36 gunats in S.No. 729 and Ac. 0.26 guntas in S.No.730 of Chelgal (v), Jagtial (M), Karimanagar District as illegal and arbitrary and consequently direct the respondents not to interfere with the possession of the petitioner on the mango graden.

Heard the learned Counsel.

The petitioner submits that he is the owner and possessor of an extent of Ac. 5-18

guntas in various Survey Numbers i.e., S.No.716 A, 716 AA, 716 U, 729/1, 730/2, 731, 732 A, 732 AA, 733 A and 734. It is stated that insofar as the extent of 0.36 guntas in Survey No. 729 and 0.26 guntas in Survey No. 730 of Chelgal (V), Jagtial (M), Karimnagar District, the respondents are taking steps to dispossess the petitioner from the said land on the ground that the said land forms part of Kakatiya Canal margine and the same vests with the Government. It is stated that without issuing any notice and without demarcating the land, the respondents are seeking to disposes the portion of the land owned by the petitioner.

The question as to whether the petitioner is the possessor and owner of the land in question and whether some part of the land forms part of the canal in question and whether it vests with the Government, is a matter to be decided by the 3rd respondent, but not in the proceedings of this nature invoking the jurisdiction of this Court.

In this view of the matter, without expressing any opinion on the merits of the case, I deem it appropriate to direct the 3rd respondent to conduct an enquiry and pass appropriate orders in accordance with law and till then, the status-quo obtaining as on today with regard to the possession of the land in question, shall be continued.

Accordingly, the Writ Petition is disposed of. No order as to costs.

16th February, 2006

Note:

Issue C.C. tomorrow

(By Order)

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